

## **REMARKS**

Claims 1-14 were pending in the application. New claims 15-17 have been added. Support for the new claims may be found, for example, on page 11, lines 12-14 of the specification. Claim 1 has been amended to specify that the charger shell (22) comprises at least one detachably mountable bit holder (99) for storing tool inserts. Support for this amendment may be found on page 11 of the specification. Claim 1 has also been amended to remove two phrases objected to by the Examiner. Claim 8 has been amended to replace the phrase "in particular detachably" with "detachably." No new matter has been added.

### **Objections to the Specification**

The specification is objected to over minor informalities on page 12, line 6 and the abstract. In response to the Examiner's objections, appropriate corrections have been made.

### **Objections to the Claims**

Claim 1 is objected to over "battery (4)." Claims 1 has been amended to correct this typographical error to "battery (40)." Claim 1 is objected to over the phrases "chronologically undefined way" and "particularly intervals between use." In response to the objection, Applicant has removed these phrases from the claim.

Claim 5 is objected to over antecedent basis for the word "vertical" and the informality "less than 90°." The word "vertical" is used in its usual sense of vertical with respect to gravity. Antecedent basis for this term is not required for one skilled in the art to understand its meaning. Applicant respectfully requests that the objection over antecedent basis the word "vertical" be withdrawn. Regarding "less than 90°," appropriate correction has been made.

Claim 7 is objected to over "particular horizontal storage." The phrase is part of the complete phrase "a flat and in particular horizontal storage shelf." One reading the claim would understand that it recites a shelf that is flat (i.e. has a flat surface) and that the shelf is also horizontal. Nevertheless, Applicant has amended claim 7 to recite "a flat and horizontal storage shelf."

Claim 8 is objected to over the term "in particular detachably." In response to the Examiner's objection, Applicant has amended claim 8 to recite "detachably" rather than "in particular detachably."

Claim 9 is objected to over the phrase "particularly in an overlockable fashion." In response to the Examiner's objection, Applicant has amended claim 9 to recite "in an overlockable fashion."

In view of the forgoing amendments and arguments, Applicant respectfully requests that the objections to claims 1, 5, and 7-9 be withdrawn.

### **Claims Rejections 35 U.S.C. 103**

Claims 1-7 are rejected by the Examiner under 35 U.S.C. 103(a) as being unpatentable over Nottingham (US 2003/0070511) in view of Kilmer (US 4,751,452). The Examiner's rejection has been carefully considered.

Applicant has amended claim 1 to recite a battery operated screwdriver comprising a charger shell comprising at least one detachably mounted bit holder. Support for this limitation may be found, for example, in claim 8. As claim 8 was not rejected as being unpatentable over Nottingham in view of Kilmer, Applicant believes that claims 1-7, as amended, overcome the rejections under 35 U.S.C. 103(a). Applicant respectfully requests that the rejection of claims 1-7 under 35 U.S.C. 103(a) as being unpatentable over Nottingham in view of Kilmer be withdrawn.

Claims 8 and 9 are rejected by the Examiner under 35 U.S.C. 103(a) as being unpatentable over Nottingham (US 2003/0070511) in view of Kilmer (US 4,751,452), and further in view of Frühm (US 6,510,763). The Examiner's rejection has been carefully considered.

Frühm teaches a bit holder for a battery powered screwdriver, but not a detachably mounted bit holder. According to Frühm, a plurality of bit holding clips are fixed around a sleeve's outer circumference. The sleeve is mounted in a compartment formed on one end of the screwdriver, opposite the tool bit driving end of the screwdriver (abstract and figures in Frühm).

A combination of Nottingham, Kilmer, and Frühm does not teach or suggest a bit holder detachably mounted on a charger shell as recited in the present claims. Applicant respectfully requests that the rejection of claims 8 and 9 under 35 U.S.C. 103(a) as being unpatentable over Nottingham in view of Kilmer and Frühm be withdrawn.

Claims 8-14 are rejected by the Examiner under 35 U.S.C. 103(a) as being unpatentable over Nottingham (US 2003/0070511) in view of Bennage (6,702,530). The Examiner's rejection has been carefully considered.

Bennage does not teach a detachable bit holder. Bennage teaches a bit holder for detachably holding at least one drill part such as a drill bit. The bit holder is formed by a recessed area disposed on an enlarged handle base and one spring clip having an anchor end and a retaining end (abstract and figures in Bennage). The bit holder taught by Bennage is clearly not detachably mounted on a charger shell.

A combination of Nottingham, and Bennage does not teach or suggest a bit holder detachably mounted on a charger shell as recited in the present claims.


Applicant respectfully requests that the rejection of claims 8 and 9 under 35 U.S.C. 103(a) as being unpatentable over Nottingham in view of Bennage be withdrawn.

Since claim 1 has been amended to include the limitation of a bit holder detachably mounted on a charger shell, Applicant believes that claims 1-7 are also patentable over Nottingham in view of any combination of Kilmer, Bennage, and Fröhme.

### **Conclusion**

The application in its amended state is believed to be in condition for allowance. Action to this end is courteously solicited. Should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully submitted,



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